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**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:09-cv-01263-ESH**

MCKINLEY v. FEDERAL DEPOSIT INSURANCE  
CORPORATION et al  
Assigned to: Judge Ellen S. Huvelle  
Case in other court:  
10-05353

Date Filed: 07/08/2009  
Date Terminated: 09/29/2010  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

Cause: 05:552 Freedom of Information Act

**Plaintiff**

**VERN MCKINLEY**

represented by **Paul J. Orfanedes**  
JUDICIAL WATCH, INC.  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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V.

**Defendant**

**FEDERAL DEPOSIT INSURANCE  
CORPORATION**  
*TERMINATED: 09/03/2010*

represented by **Daniel Harold Kurtenbach**  
FEDERAL DEPOSIT INSURANCE  
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**Dorothy Ashley Doherty**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**BOARD OF GOVERNORS OF THE  
FEDERAL RESERVE SYSTEM**

represented by **Clifford Lee Reeves , II**  
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20 Massachusetts Avenue, NW  
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Email: lee.reeves@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
07/08/2009	<a href="#"><u>1</u></a>	COMPLAINT against FEDERAL DEPOSIT INSURANCE CORPORATION, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM ( Filing fee \$ 350, receipt number 4616022209) filed by VERN MCKINLEY. (Attachments: # <a href="#"><u>1</u></a> Civil Cover Sheet)(jf, ) (Entered: 07/08/2009)
07/08/2009		SUMMONS (4) Issued as to FEDERAL DEPOSIT INSURANCE CORPORATION, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, U.S. Attorney and U.S. Attorney General. (jf, ) (Entered: 07/08/2009)
08/07/2009	<a href="#"><u>2</u></a>	NOTICE of Appearance by Paul J. Orfanedes on behalf of VERN MCKINLEY (Orfanedes, Paul) (Entered: 08/07/2009)
08/07/2009	<a href="#"><u>3</u></a>	NOTICE of Appearance by James F. Peterson on behalf of VERN MCKINLEY (Peterson, James) (Entered: 08/07/2009)
08/07/2009	<a href="#"><u>4</u></a>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General 07/10/09., SUMMONS Returned Executed by VERN MCKINLEY. FEDERAL DEPOSIT INSURANCE CORPORATION served on 7/13/2009, answer due 8/12/2009; BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM served on 7/10/2009, answer due 8/10/2009; U.S. Attorney, served on 7/13/2009, answer due 8/12/2009. (jf, ) (Entered: 08/10/2009)
08/12/2009	<a href="#"><u>5</u></a>	NOTICE of Appearance by Dorothy Ashley Doherty on behalf of FEDERAL DEPOSIT INSURANCE CORPORATION (Doherty, Dorothy) (Entered: 08/12/2009)
08/12/2009	<a href="#"><u>6</u></a>	ANSWER to <a href="#"><u>1</u></a> Complaint by FEDERAL DEPOSIT INSURANCE CORPORATION. Related document: <a href="#"><u>1</u></a> Complaint filed by VERN MCKINLEY. (Doherty, Dorothy) (Entered: 08/12/2009)
08/12/2009	<a href="#"><u>7</u></a>	<i>Amended Certificate of Service for</i> ANSWER to <a href="#"><u>1</u></a> Complaint by FEDERAL DEPOSIT INSURANCE CORPORATION. Related document: <a href="#"><u>1</u></a> Complaint filed by VERN MCKINLEY.(Doherty, Dorothy) (Entered: 08/12/2009)
08/12/2009	<a href="#"><u>8</u></a>	NOTICE of Appearance by Clifford Lee Reeves on behalf of BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM (Reeves, Clifford) (Entered: 08/12/2009)
08/12/2009	<a href="#"><u>9</u></a>	ANSWER to <a href="#"><u>1</u></a> Complaint by BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM. Related document: <a href="#"><u>1</u></a> Complaint filed by VERN MCKINLEY. (Reeves, Clifford) (Entered: 08/12/2009)

09/09/2009	<a href="#">10</a>	NOTICE of Appearance by Daniel Harold Kurtenbach on behalf of FEDERAL DEPOSIT INSURANCE CORPORATION (Kurtenbach, Daniel) (Entered: 09/09/2009)
09/09/2009	<a href="#">11</a>	STATUS REPORT <i>and Proposed Briefing Schedule of Plaintiff and Defendant Federal Deposit Insurance Corporation</i> by VERN MCKINLEY. (Orfanedes, Paul) (Entered: 09/09/2009)
09/10/2009		MINUTE ORDER re <a href="#">11</a> Joint Status Report and Proposed Briefing Schedule of Plaintiff and Defendant FDIC. Proposed summary judgment briefing schedule is adopted. Defendant FDICs summary judgment motion due by October 16, 2009; Plaintiffs opposition/cross-motion (if any) due by November 16, 2009; Defendant FDICs reply/opposition to cross-motion (if any) due by December 4, 2009; Plaintiffs reply to Defendant FDICs opposition to cross-motion (if any) due by December 11, 2009. Defendant FDIC's motion to sever due on or before September 16, 2009. Signed by Judge Ellen S. Huvelle on September 10, 2009. (AG) (Entered: 09/10/2009)
09/10/2009		Set/Reset Deadlines: Cross Motions due by 11/16/2009. Response to Cross Motions due by 12/4/2009. Reply to Cross Motions due by 12/11/2009. Motions due by 9/16/2009. Summary Judgment motions due by 10/16/2009. Response to Motion for Summary Judgment due by 11/16/2009. Reply to Motion for Summary Judgment due by 12/4/2009. (gdf) (Entered: 09/10/2009)
09/10/2009	<a href="#">12</a>	STATUS REPORT <i>of Plaintiff and Defendant Board of Governors of the Federal Reserve System</i> by VERN MCKINLEY. (Orfanedes, Paul) (Entered: 09/10/2009)
09/16/2009	<a href="#">13</a>	MOTION to Sever by FEDERAL DEPOSIT INSURANCE CORPORATION (Attachments: # <a href="#">1</a> Text of Proposed Order)(Kurtenbach, Daniel) (Entered: 09/16/2009)
09/28/2009	<a href="#">14</a>	Memorandum in opposition to re <a href="#">13</a> MOTION to Sever filed by VERN MCKINLEY. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Text of Proposed Order)(Orfanedes, Paul) (Entered: 09/28/2009)
10/05/2009	<a href="#">15</a>	REPLY to opposition to motion re <a href="#">13</a> MOTION to Sever filed by FEDERAL DEPOSIT INSURANCE CORPORATION. (Kurtenbach, Daniel) (Entered: 10/05/2009)
10/06/2009		MINUTE ORDER denying <a href="#">13</a> defendant FDIC's Motion to Sever: Upon consideration of the FDIC's motion to sever and plaintiff's opposition thereto, it is hereby ordered that the motion is denied since even if joinder is not proper under Rule 20, no practical or legal purpose would be served by severance at this time. Signed by Judge Ellen S. Huvelle on October 6, 2009. (AG) (Entered: 10/06/2009)

10/14/2009	<a href="#">16</a>	MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by FEDERAL DEPOSIT INSURANCE CORPORATION (Attachments: # <a href="#">1</a> Text of Proposed Order)(Doherty, Dorothy) (Entered: 10/14/2009)
10/14/2009		MINUTE ORDER granting <a href="#">16</a> Defendant FDIC's Motion for Extension of Time to File Motion for Summary Judgment: it is hereby ORDERED that defendant FDIC's motion for summary judgment is due no later than October 30, 2009; it is FURTHER ORDERED that plaintiff McKinley's opposition/cross-motion for summary judgment (if any) is due no later than November 30, 2009; it is FURTHER ORDERED that defendant FDIC's reply/opposition to plaintiff McKinley's cross-motion (if any) is due no later than December 18, 2009; and it is FURTHER ORDERED that plaintiff McKinley's reply to defendant FDIC's opposition to cross-motion (if any) is due no later than December 28, 2009. Signed by Judge Ellen S. Huvelle on October 14, 2009. (AG, ) (Entered: 10/14/2009)
10/14/2009		Set/Reset Deadlines: Cross Motions due by 11/30/2009. Response to Cross Motions due by 12/18/2009. Reply to Cross Motions due by 12/28/2009. Summary Judgment motions due by 10/30/2009. Response to Motion for Summary Judgment due by 11/30/2009. Reply to Motion for Summary Judgment due by 12/18/2009. (gdf) (Entered: 10/14/2009)
10/30/2009	<a href="#">17</a>	MOTION for Summary Judgment by FEDERAL DEPOSIT INSURANCE CORPORATION (Attachments: # <a href="#">1</a> Text of Proposed Order, # <a href="#">2</a> Statement of Facts, # <a href="#">3</a> Memorandum in Support, # <a href="#">4</a> Exhibit Exh 1 Original FOIA Request, # <a href="#">5</a> Exhibit Exh 2 Press Release, # <a href="#">6</a> Exhibit Exh 3 FDIC Response to Original FOIA Request, # <a href="#">7</a> Exhibit Exh 4 Administrative Appeal, # <a href="#">8</a> Exhibit Exh 5 Decision on Administrative Appeal, # <a href="#">9</a> Exhibit Exh 6 Board Minutes Redacted, # <a href="#">10</a> Exhibit Exh 7 Supplemental Response, # <a href="#">11</a> Exhibit Exh 8 Case Memorandum Redacted, # <a href="#">12</a> Exhibit Exh 9 Fisch Declaration, # <a href="#">13</a> Exhibit Exh 10 Spoth Declaration) (Kurtenbach, Daniel) (Entered: 10/30/2009)
11/25/2009	<a href="#">18</a>	Memorandum in opposition to re <a href="#">17</a> MOTION for Summary Judgment ( <i>with Response to Defendant FDIC's Statement of Material Facts</i> ) filed by VERN MCKINLEY. (Attachments: # <a href="#">1</a> Declaration of Vern McKinley, # <a href="#">2</a> Text of Proposed Order)(Orfanedes, Paul) (Entered: 11/25/2009)
11/25/2009	<a href="#">19</a>	Cross MOTION for Partial Summary Judgment <i>against Defendant FDIC</i> by VERN MCKINLEY (Attachments: # <a href="#">1</a> Declaration of Vern McKinley, # <a href="#">2</a> Text of Proposed Order)(Orfanedes, Paul) (Entered: 11/25/2009)
12/01/2009	<a href="#">20</a>	STATUS REPORT by VERN MCKINLEY. (Orfanedes, Paul) (Entered: 12/01/2009)
12/08/2009	<a href="#">21</a>	STATUS REPORT by VERN MCKINLEY. (Orfanedes, Paul) (Entered: 12/08/2009)

12/09/2009		MINUTE ORDER re <a href="#">21</a> Third Joint Status Report filed by plaintiff and defendant Board of Governors. It is hereby ORDERED that the proposed briefing schedule set forth therein is adopted and that plaintiff and defendant Board of Governors shall comply with the following deadlines: Defendant Board of Governors' motion for summary judgment is due by February 1, 2010; Plaintiff's opposition/cross-motion is due by March 1, 2010; Defendant Board of Governors' reply/opposition to cross-motion is due by April 1, 2010; and Plaintiff's reply is due by April 15, 2010. Signed by Judge Ellen S. Huvelle on December 9, 2009. (AG) (Entered: 12/09/2009)
12/09/2009		Set/Reset Deadlines: Cross Motions due by 3/1/2010. Response to Cross Motions due by 4/1/2010. Reply to Cross Motions due by 4/15/2010. Summary Judgment motions due by 2/1/2010. Response to Motion for Summary Judgment due by 3/1/2010. Reply to Motion for Summary Judgment due by 4/1/2010. (gdf) (Entered: 12/22/2009)
12/17/2009	<a href="#">22</a>	Memorandum in opposition to re <a href="#">19</a> Cross MOTION for Partial Summary Judgment <i>against Defendant FDIC</i> filed by FEDERAL DEPOSIT INSURANCE CORPORATION. (Attachments: # <a href="#">1</a> Declaration Exhibit 1 -- Supplemental Declaration of Christopher J. Spoth)(Kurtenbach, Daniel) (Entered: 12/17/2009)
12/17/2009	<a href="#">23</a>	REPLY to opposition to motion re <a href="#">17</a> MOTION for Summary Judgment filed by FEDERAL DEPOSIT INSURANCE CORPORATION. (Kurtenbach, Daniel) (Entered: 12/17/2009)
12/19/2009	<a href="#">24</a>	Consent MOTION for Extension of Time to File Response/Reply to <i>Defendant Federal Deposit Insurance Corporation's Opposition to Plaintiff's Cross-Motion for Summary Judgment</i> by VERN MCKINLEY (Orfanedes, Paul) (Entered: 12/19/2009)
12/20/2009		MINUTE ORDER granting <a href="#">24</a> Plaintiff's Motion for Extension of Time to File Reply re <a href="#">19</a> Plaintiff's Cross MOTION for Partial Summary Judgment against Defendant FDIC. Plaintiff's reply is due by 1/6/2010. Signed by Judge Ellen S. Huvelle on December 20, 2009. (AG) (Entered: 12/20/2009)
12/22/2009		Set/Reset Deadlines: Reply to Cross Motions due by 1/16/2010. (gdf ) (Entered: 12/22/2009)
01/06/2010	<a href="#">25</a>	REPLY to opposition to motion re <a href="#">19</a> Cross MOTION for Partial Summary Judgment <i>against Defendant FDIC</i> filed by VERN MCKINLEY. (Attachments: # <a href="#">1</a> Exhibit A)(Orfanedes, Paul) (Entered: 01/06/2010)
01/12/2010	<a href="#">26</a>	ERRATA to Plaintiff's <a href="#">25</a> Reply to Defendant FDIC's Opposition to Plaintiff's Cross-Motion for Partial Summary Judgment by VERN MCKINLEY. (Orfanedes, Paul) Modified on 1/13/2010 to add linkage (jf, ). (Entered: 01/12/2010)

02/01/2010	<a href="#">27</a>	MOTION for Summary Judgment by BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Declaration of Alison Thro, # <a href="#">3</a> Declaration of Coryann Stefansson, # <a href="#">4</a> Declaration of Celia Winter, # <a href="#">5</a> Exhibit, # <a href="#">6</a> Text of Proposed Order)(Reeves, Clifford) (Entered: 02/01/2010)
02/01/2010	<a href="#">28</a>	NOTICE of Filing of Statement of Undisputed Material Facts by BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM re <a href="#">27</a> MOTION for Summary Judgment (Reeves, Clifford) (Entered: 02/01/2010)
03/01/2010	<a href="#">29</a>	Unopposed MOTION for Extension of Time to File Response/Reply as to <a href="#">27</a> MOTION for Summary Judgment by VERN MCKINLEY (Attachments: # <a href="#">1</a> Text of Proposed Order)(Orfanedes, Paul) (Entered: 03/01/2010)
03/02/2010		MINUTE ORDER granting <a href="#">29</a> Consent Motion for Extension of Time to File Response re <a href="#">27</a> defendant Board of Governors of the Federal Reserve System's Motion for Summary Judgment: Plaintiff's Opposition/Cross-Motion for Summary Judgment is due by March 8, 2010; Defendant Board of Governors' Opposition/Reply is due by April 8, 2010; Plaintiff's Reply is due by April 22, 2010. Signed by Judge Ellen S. Huvelle on March 2, 2010. (AG) (Entered: 03/02/2010)
03/05/2010		Set/Reset Deadlines: Cross Motions due by 3/8/2010. Response to Cross Motions due by 4/8/2010. Reply to Cross Motions due by 4/22/2010. Response to Motion for Summary Judgment due by 3/8/2010. Reply to Motion for Summary Judgment due by 4/8/2010. (gdf) (Entered: 03/05/2010)
03/08/2010	<a href="#">30</a>	Memorandum in opposition to re <a href="#">27</a> MOTION for Summary Judgment filed by VERN MCKINLEY. (Attachments: # <a href="#">1</a> Exhibit A - Part 1, # <a href="#">2</a> Exhibit A - Part 2, # <a href="#">3</a> Exhibit B, # <a href="#">4</a> Exhibit C, # <a href="#">5</a> Text of Proposed Order)(Orfanedes, Paul) (Entered: 03/08/2010)
03/08/2010	<a href="#">31</a>	Cross MOTION for Summary Judgment by VERN MCKINLEY (Attachments: # <a href="#">1</a> Text of Proposed Order)(Orfanedes, Paul) (Entered: 03/08/2010)
04/07/2010	<a href="#">32</a>	Consent MOTION for Extension of Time to File Response/Reply as to <a href="#">27</a> MOTION for Summary Judgment, <a href="#">31</a> Cross MOTION for Summary Judgment by BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM (Attachments: # <a href="#">1</a> Text of Proposed Order)(Reeves, Clifford) (Entered: 04/07/2010)
04/08/2010		MINUTE ORDER granting <a href="#">32</a> Consent Motion for Extension of Time to File opposition to <a href="#">31</a> plaintiff's Cross Motion for Summary Judgment and reply re <a href="#">27</a> defendant Board of Governors of the Federal Reserve's Motion for Summary Judgment and opposition re <a href="#">31</a> plaintiff's Cross Motion for Summary Judgment. Defendant Board of Governors's opposition and reply is due by 4/22/2010; plaintiff's reply re <a href="#">31</a> plaintiff's Cross Motion for Summary Judgment is due by 5/17/2010. Signed by Judge Ellen S. Huvelle on April 8, 2010. (AG) (Entered: 04/08/2010)



04/13/2010		Set/Reset Deadlines: Response to Cross Motions due by 4/22/2010. Reply to Cross Motions due by 5/17/2010. Reply to Motion for Summary Judgment due by 4/22/2010. (gdf) (Entered: 04/13/2010)
04/22/2010	<a href="#">33</a>	REPLY to opposition to motion re <a href="#">27</a> MOTION for Summary Judgment filed by BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM. (Attachments: # <a href="#">1</a> Statement of Facts Response to Plaintiff's Proposed SMF, # <a href="#">2</a> Exhibit Attachments A & B, # <a href="#">3</a> Declaration Attachment C)(Reeves, Clifford) Modified on 4/23/2010 to correct docket link (jf, ). (Entered: 04/22/2010)
04/22/2010	<a href="#">34</a>	Memorandum in opposition to re <a href="#">31</a> Cross MOTION for Summary Judgment filed by BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM. (See docket entry <a href="#">33</a> to view document) (jf) (Entered: 04/23/2010)
05/17/2010	<a href="#">35</a>	REPLY to opposition to motion re <a href="#">31</a> Cross MOTION for Summary Judgment filed by VERN MCKINLEY. (Attachments: # <a href="#">1</a> Declaration Helwege, # <a href="#">2</a> Declaration McKinley)(Orfanedes, Paul) (Entered: 05/17/2010)
06/08/2010	<a href="#">36</a>	NOTICE of Change of Address by Paul J. Orfanedes (Orfanedes, Paul) (Entered: 06/08/2010)
06/09/2010	<a href="#">37</a>	NOTICE of Change of Address by James F. Peterson (Peterson, James) (Entered: 06/09/2010)
08/13/2010	<a href="#">38</a>	ORDER to defendant Federal Deposit Insurance Corporation to produce documents to the Court for in camera inspection by August 17, 2010. Signed by Judge Ellen S. Huvelle on August 13, 2010. (AG) (Entered: 08/13/2010)
08/17/2010	<a href="#">39</a>	NOTICE of Production of Documents for In Camera Inspection by FEDERAL DEPOSIT INSURANCE CORPORATION re <a href="#">38</a> Order (Kurtenbach, Daniel) (Entered: 08/17/2010)
09/03/2010	<a href="#">40</a>	NOTICE of Appearance by Michael Bekesha on behalf of VERN MCKINLEY (Bekesha, Michael) (Entered: 09/03/2010)
09/03/2010		MINUTE ORDER denying as moot <a href="#">17</a> defendant FDIC's Motion for Summary Judgment; denying as moot <a href="#">19</a> plaintiff's Motion for Partial Summary Judgment as to defendant FDIC: it is hereby ORDERED that the above-referenced motions are denied as moot for the reasons discussed during today's telephone conference and with the agreement of counsel for plaintiff and counsel for defendant FDIC; and it is further ORDERED that defendant FDIC is DISMISSED as a party in the above-captioned case. Signed by Judge Ellen S. Huvelle on September 3, 2010. (AG) (Entered: 09/03/2010)



09/29/2010	<a href="#">41</a>	MEMORANDUM AND OPINION re <a href="#">27</a> defendant's Motion for Summary Judgment and <a href="#">31</a> plaintiff's Cross-Motion for Summary Judgment. Signed by Judge Ellen S. Huvelle on September 29, 2010. (AG) (Entered: 09/29/2010)
09/29/2010	<a href="#">42</a>	ORDER granting <a href="#">31</a> defendant Board of Governor's Motion for Summary Judgment; denying <a href="#">27</a> plaintiff's Motion for Summary Judgment. Case is DISMISSED. Signed by Judge Ellen S. Huvelle on September 29, 2010. (AG) (Entered: 09/29/2010)
10/19/2010	<a href="#">43</a>	NOTICE OF APPEAL as to <a href="#">41</a> Memorandum & Opinion, <a href="#">42</a> Order on Motion for Summary Judgment, by VERN MCKINLEY. Filing fee \$ 455, receipt number 0090-2326736. Fee Status: Fee Paid. Parties have been notified. (Orfanedes, Paul) (Entered: 10/19/2010)
10/20/2010	<a href="#">44</a>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date re <a href="#">43</a> Notice of Appeal. (jf, ) (Entered: 10/20/2010)
10/22/2010		USCA Case Number 10-5353 for <a href="#">43</a> Notice of Appeal filed by VERN MCKINLEY. (jf, ) (Entered: 10/22/2010)
08/12/2011	<a href="#">45</a>	MANDATE of USCA (certified copy) as to <a href="#">43</a> Notice of Appeal filed by VERN MCKINLEY ; ORDERED and ADJUDGED that the judgment of the District Court appealed from in this cause is hereby affirmed. USCA Case Number 10-5353. (mmh) (Entered: 08/17/2011)

<b>PACER Service Center</b>			
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09/23/2011 09:22:25			
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<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:09-cv-01263-ESH
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.48